

Berkeley USD

BB 9322 Board Bylaws

Agenda/Meeting Materials

Agenda Content

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual ~~who~~shall contact the Superintendent or designee if he/she requires disability-related accommodations or modifications including auxiliary aids and services, in order to participate in the Board meeting ~~should contact the Superintendent or designee in writing.~~

Agenda Preparation

~~The~~The Board President and the Superintendent, as Secretary to the Board, in consultation with the Board President, shall ~~prepare~~jointly develop the agenda for each regular and special meeting. The Board President and Superintendent shall jointly decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action or Board discussion, or a discussion item that requires Board discussion but no vote, or consent item that is routine in nature and for which no discussion is anticipated.

Any Board member may place an item on the agenda of a regular meeting. The item must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. ~~The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for~~

~~consideration and research of the issue~~ The request shall be submitted in writing to the Board President or the Superintendent or designee with supporting documents and information. The Board President and Superintendent shall jointly decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. If a request from a member of the public is within the subject matter jurisdiction of the Board, the Board President and the Superintendent shall jointly determine when and how the item shall be placed on a future Board meeting agenda unless the Board President and the Superintendent jointly determine that the request is merely a request for information in which case the Superintendent or designee shall treat the request as a information request under the Public Records Act. If the Board President and the Superintendent jointly determine that the request from a member of the public is not within the subject matter jurisdiction of the Board, it shall not be placed on the agenda.

The Board ~~President~~ and Superintendent shall decide whether a request from a member of the public is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board ~~President~~ and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board ~~President~~ and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

Any Board action that involves borrowing any amount or spending ~~\$50,000-\$100,000~~ or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature ~~or~~ and items for which ~~no~~ Board discussion is not anticipated and for which the Superintendent recommends approval.

~~In accordance with law, the public has a right to comment on~~ When any Board member requests the removal of an item from the consent item. ~~At the request of any member of agenda,~~ the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination to Board Members

~~A copy of the agenda shall be forwarded to each Board member at~~ At least three days before each regular meeting, ~~together with the Superintendent or designee's report; minutes to be approved;~~

~~copies of communications; reports from committees, staff, citizens each Board member shall be provided a copy of the agenda and others; agenda packet or the agenda and other available documents pertinent to the meeting agenda packet shall be posted online and each Board member shall be notified how to access the agenda and agenda packet online.~~

~~When special meetings are called, the Superintendent and President shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible. At least one day before a special meeting, each Board member shall be provided a copy of the agenda and agenda packet or the agenda and agenda packet shall be posted online and each Board member shall be notified how to access the agenda and agenda packet online.~~

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Agenda Dissemination to Members of the Public

~~Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act.~~

The Superintendent or designee shall mail a hardcopy or shall email an electronic copy of the agenda; or ~~a copy of all the documents constituting the agenda packet;~~ to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first.

Any request for ~~mailed~~ copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year.

~~Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee.~~

~~Agenda Dissemination to Members of the Public~~

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall post the document online as part of the agenda packet and shall make the document available for public inspection at thea designated location at the same time the document is distributed to all or a majority of the Board, provided that the document is a public record under the Public Acts Record and relates to an agenda item for an open session of a regular Board meeting. ~~The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting.~~ Act. (Government Code 54957.5)

Any document prepared by the Superintendent or designee or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Upon request, the Superintendent or designee shall make any document distributed by an individual who is not a District official or employee to the Board or Superintendent available for public inspection within 24 hours after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>
(11/02 3/08) 11/12

Bylaw BERKELEY UNIFIED SCHOOL DISTRICT

adopted: May 21, 2003 Berkeley, California

revised: September 24, 2008